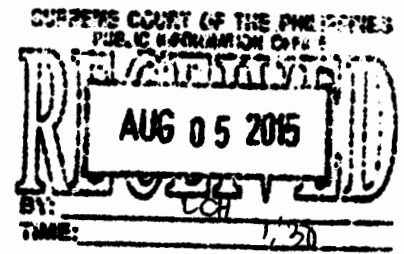




Republic of the Philippines
Supreme Court
Manila
FIRST DIVISION



NOTICE

Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated July 1, 2015 which reads as follows:

“G.R. No. 216968 (*Ricardo Sabandal and Fascisto Cardona v. Dionisio Dy, Jr.*).— The petitioners’ motion for an extension of thirty (30) days within which to file a petition for review on certiorari is **GRANTED**, counted from the expiration of the reglementary period; and the counsel for petitioners is hereby required to **COMPLY** within five (5) days from notice hereof with A.M. No. 07-6-5-SC dated July 20, 2007 re: statement of contact details (*e.g.* telephone number, fax number, cellular phone number or e-mail address) of parties or their counsels in all papers and pleadings filed with the Supreme Court.

The petitioners are hereby required to **SUBMIT** within five (5) days from notice hereof, a soft copy in compact disc (CD), USB or e-mail containing the PDF files of the signed motion for extension and the signed petition for review on certiorari and its annexes pursuant to A.M. Nos. 10-3-7-SC and 11-9-4-SC.

This is a Petition for Review on Certiorari under Rule 45 of the Rules of Court assailing the Resolutions dated 8 July 2014¹ and 22 January 2015² issued by the Court of Appeals, Cagayan de Oro City (CA) in CA-G.R. SP UDK No. 06193-MIN denying the appeal of petitioners.

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¹ *Rollo*, pp. 63-64.

² *Id.* at 68-73. The Resolution was penned by Associate Justice Henri Jean-Paul B. Inting, with Associate Justices Romulo V. Borja and Pablito A. Perez concurring.

FACTS

Petitioners' passenger jeepney and respondent's pick-up truck figured in an accident on 22 March 2012 at Poblacion Polanco, Zamboanga del Norte.³ Respondent filed a Complaint⁴ for damages before the Municipal Trial Court in Cities of Dipolog City, Branch 1 (MTCC) against petitioners – Sabandal as owner and Cardona as driver. In its Decision,⁵ the MTCC found petitioners solidarily liable to respondent in the total amount of ₱272,900.

Petitioners filed an appeal before the Regional Trial Court of Dipolog City, Branch 10 (RTC). The RTC denied the appeal for their failure to file the appellants' brief within the extended period granted.⁶

Accordingly, petitioners filed an appeal before the CA. In the assailed Minute Resolution dated 8 July 2014, it denied the petition for nonpayment of docket fees, failure to attach duplicate originals of the MTCC Decision, improper verification, failure to indicate an explanation why the petition was not personally filed, and failure to indicate the affiants' competent evidence of identities and serial number of the notary public's commission in the notarial certificate of the verification and certification of non-forum shopping.

Petitioners rectified the procedural infirmities of their appeal in their motion for reconsideration, except for the failure to attach duplicate originals of the MTCC Decision.⁷ Nevertheless, in the challenged Resolution dated 22 January 2015, the CA denied the motion for having been filed out of time.

According to the CA, the registry return card for the Minute Resolution dated 8 July 2014 showed that the copy for petitioners' counsel was received by Kathrn Sealtiel on 24 July 2014.⁸ Hence, the 15th day for the filing of the motion for reconsideration thereof fell on 8 August 2014. The motion for reconsideration was filed only on 22 August 2014.

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³ Id. at 50.

⁴ Id. at 33-37.

⁵ Id. at 50-62; Civil Case No. A-4340 dated 12 November 2013.

⁶ Id. at 27-29; Civil Case No. 6892 dated 13 March 2014.

⁷ Id. at 70-72.

⁸ Id. at 72.

ISSUE

Whether the CA erred in denying the appeal of petitioners.

OUR RULING

We find no reversible error on the part of the CA when it denied petitioners' appeal for its numerous procedural infirmities, as well as their motion for reconsideration for being filed out of time.

The Rules of Court clearly state under Section 3, Rule 42 that the failure of petitioners to comply with the requirements regarding the payment of docket fees, proof of service of the petition and the contents of and the documents which should accompany the petition shall be sufficient ground for the dismissal thereof. In this regard, we cannot fault the CA for denying petitioners' appeal.

As regards the late filing of their motion for reconsideration, petitioners allege that Kathrn Sealtiel was not an authorized person or employee in the house of their counsel who could receive orders from the courts. She was just the only one left in the house, because the other occupants were either in the market, in school or in court. Petitioners' counsel was informed of the Minute Resolution dated 8 July 2014 only on 8 August 2014.

In several instances,⁹ the Court has admonished law firms, counsels and litigants that it is their responsibility to devise an efficient system for the receipt of court notices intended for them, because the finality of a decision or an order is a jurisdictional event that does not depend on the convenience of a party. While the omission to do so may be considered as simple negligence, it does not amount to gross negligence, which is an exception to the well-settled rule that the negligence of counsel binds the client.¹⁰

Thus, litigants cannot invoke the fact that an unauthorized person in their counsel's house or office received the notice from the court as an excuse for the belated filing of responsive pleadings. The counsel for petitioners was clearly negligent in this regard, and his negligence shall bind petitioners herein.

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⁹ *Rivera v. CA*, 568 Phil. 401 (2008); *LBP v. Heirs of Alsua*, 548 Phil. 680 (2007); *Spouses Dela Cruz v. Ramiscal*, 491 Phil. 62 (2005); *Niaconsult, Inc. v. NLRC*, 334 Phil. 16 (1997).

¹⁰ *Government of the Kingdom of Belgium v. CA*, 574 Phil. 380 (2008).

In any case, a reading of the exhaustive MTCC Decision shows that there is no merit in the appeal. According to the trial court, “the vehicle of [petitioners] was then running at a very high speed,”¹¹ and that Cardona was “oblivious to the very glaring fact that [he] was negotiating an intersection where vehicles usually pass.”¹² The jeepney was moving so fast that the pick-up truck, despite its size, was thrown to the side of the road, rotated 180 degrees, and ended up facing the direction it was coming from. In fact, the jeepney was only able to stop after it had traversed 21 meters from the point of impact.

WHEREFORE, the petition is **DENIED**. The Court of Appeals, Cagayan de Oro City Resolutions dated 8 July 2014 and 22 January 2015 in CA-G.R. SP UDK No. 06193-MIN are **AFFIRMED**.

SO ORDERED.”

Very truly yours,


EDGAR O. ARICHETA

Division Clerk of Court

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The Hon. Presiding Judge
Regional Trial Court, Br. 10
Dipolog City 7100 Zamboanga del Norte
(Civil Case No. 6892)

The Hon. Presiding Judge
Municipal Trial Court in Cities, Br. 1
Dipolog City 7100 Zamboanga del Norte
(Civil Case No. A-4340)

SR

¹¹ *Rollo*, p. 57.

¹² *Id.*

